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S E C R E T SECTION 01 OF 04 KATHMANDU 002469

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SUBJECT: NEPAL: A/S ROCCA AND CHIEF OF ARMY STAFF DISCUSS THE INSURGENCY AND HUMAN RIGHTS

REF: A. (A) KATHMANDU 1805

1B. (B) KATHMANDU (DOTI)

1C. (C) KATHMANDU (TACTICS)

Classified By: Ambassador Michael E. Malinowski for reasons 1.5 (b,d).

Summary

11. (C) On December 17, Christina Rocca, Assistant Secretary of State for South Asia, met with Nepal's Chief of Army Staff, General Pyar Jung Thapa, to discuss the army's counter-insurgency efforts and human rights. The two also touched upon the possibility of Nepal providing peacekeepers in Iraq, U.S. military assistance and elections. Ambassador Malinowski accompanied the Assistant Secretary to the meeting. Following the meeting, Rocca was given a detailed briefing by Thapa's General Staff, reported septel. End Summary.

Operations in Iraq

12. (C) On December 17, Christina Rocca, Assistant Secretary of State for South Asia, met with Nepal's Chief of Army Staff, General Pyar Jung Thapa, to discuss the army's counter-insurgency efforts and human rights. General Thapa opened his meeting with A/S Rocca by congratulating the United States on capturing Saddam Hussein in Iraq. Nepal values U.S. leadership in fighting terrorism worldwide, he said. Thapa expressed support for U.S. operations in Iraq, claiming that the Royal Nepal Army (RNA) is ready to send troops for peacekeeping, but that the decision must be made politically. (Note. In Rocca's meeting with de facto Foreign Minister Bekh Bahadur Thapa, she was told that the provision of RNA troops to Iraq is under consideration. End Note.) COAS Thapa suggested that the army had been ready to send a battalion to Iraq, but other peacekeeping duties in Liberia and Sierra Leone and ongoing anti-insurgent operations at home have reduced the RNA's commitment to a company. Once the RNA's tour of duty in Sierra Leone is complete in December 2004, Thapa would be willing to contribute a full battalion to Iraq. Thapa appreciated U.S. moral and material support in the RNA's fight against the Maoist insurgency, noting that the M-16 rifles have helped considerably to raise army morale and that the army needs to increased mobility offered by Huey II helicopters.

Progress on Countering the Insurgency

13. (C) Thapa claims a loss of legitimacy within the Maoist movement. He believes that the Maoist use of terrorist tactics has alienated the people. Thapa perceived a disconnect between the Maoist military and political wings, with the military side beginning to dominate the political one.

14. (C) Thapa noted that Maoist extortion has increased dramatically this year. As an example, Thapa described how one citizen in Kathmandu had informed the RNA that Maoists had demanded he pay them NRs 500,000 (roughly USD \$6,750). Based on the information this person provided, the army was able to arrest the Maoists involved. Continued Maoist intimidation and abuse, he said, has caused large numbers of able-bodied Nepalis to flee the countryside. Some, Thapa claimed, have committed suicide in an attempt to escape the Maoist threat. In instances where local villagers have managed to fight off the Maoists, the RNA hoped to establish base camps nearby in order to prevent the insurgents from returning, he said. Based on prisoner questioning, Thapa believes that many Maoists have become demoralized and disillusioned because of the increased use of terrorist tactics, while at the same time the movement's leaders remain outside Nepal comfortably distant from the action.

15. (S/NF) Thapa reported that the RNA recently captured a

Maoist battalion commander, who had been traveling from the western to the eastern division in an effort to shore up the weaker Maoist presence in the east. According to Thapa, the Maoist commander was surprised to find himself still alive after several days of incarceration. The rumor among the Maoist cadre is that the RNA will kill or brutalize any Maoist found alive, which Thapa clearly said was not true. The commander, he said, appeared on Nepali television, which later led to the surrender of another Maoist battalion commander. Thapa also confided that the army has captured the sub-commander of the Maoist Kathmandu Valley special operations assassination/bombing unit. Under the eye of army staff, the commander continues to use his cell phone to communicate with other Maoist leaders and is, therefore, providing valuable intelligence to the RNA. With this information, Thapa appeared hopeful that they would soon capture other high-level insurgents, including those responsible for the murder of two U.S. Embassy security guards in 2001 and 2002. In Pokhara and Kathmandu, Thapa claimed, the army have taken into custody several Maoists working in the special operation branch. Additionally, the intelligence gathered by these detainees has led to the seizure of significant amounts of explosives, truck loads of Maoist propaganda and 13 Chinese-made pistols in recent weeks. The RNA also has defused one bomb in a popular shopping arcade in Kathmandu that would have killed over 200 people, Thapa said. (Note. The assertion that a Maoist explosive could kill over 200 people is somewhat exaggerated.

The highest casualty from a single Maoist improvised explosive device (IED) that we are aware of to date killed 10 members of the security forces. End Note.) Ambassador Malinowski emphasized USG desire for catching the Maoists responsible for ordering the killing of two Nepali guards of the U.S. Embassy. Thapa replied in the affirmative. The army, through intelligence gathering, has successfully prevented the Maoists from disrupting life in Nepal's urban centers, he concluded.

16. (C) Ambassador Malinowski suggested that the RNA could use the International Committee of the Red Cross (ICRC) to help get the message out that the army is not mistreating detainees. Thapa responded that the army does not want to hold prisoners, but problems within the judicial system gives them little choice. He worried that the release of Maoist prisoners during the cease-fire had demoralized his troops, suggesting that he does not want to see the same thing happen again. (Note. The GON draws a close connection with the release of the Maoist prisoners and the assassination attempts on two army colonels in August. End Note.) According to Thapa, the RNA would like to hold prisoners without informing civilian authorities in order to avoid divulging identities of Maoists who are providing the intelligence to the army. He said he is working with the Attorney General's office to get legal permission to hold prisoners for three months, vice 24 hours. (Note. Under the Terrorist and Destructive Activities Act, the RNA already has authority to hold prisoners incommunicado for 3 months as long as they inform the relevant Chief District Officer. End Note.)

17. (C) Thapa claimed that dozens of female Maoist fighters, among them twelve- and thirteen-year-old girls, have surrendered to the army. One such girl had lost her hand in combat and reportedly had been raped by her fellow Maoists. Thapa indicated that the Nepali NGOs that provide shelter to victims of violence have refused to take in these former Maoists for fear of reprisal by the insurgents.

Human Rights Abuses

18. (C) A/S Rocca steered the conversation towards human rights, noting that human rights abuses, if left unchecked, could undermine U.S. security assistance to Nepal. She explained that U.S. laws require a demonstrable commitment to human rights as a condition for U.S. security assistance. Thapa prefaced his comments on human rights by highlighting the RNA's long history, including its role in uniting Nepal, fighting both the Chinese and British armies, in the 19th century, participating in both World Wars on the side of the Allies, and contributing to many peace keeping operations, such as Haiti, Somalia, Liberia and Sierra Leone. Thapa emphasized the importance of civilian control over the army, the mission of which is to serve and defend the people. "We are fighting for democracy and security for the people," he said.

19. (C) Thapa said that although no innocent people should be killed, incidents sometimes occur. He reported that roughly 17 incidents of alleged human rights abuse have occurred and provided A/S Rocca with a summary of the status of the RNA investigations. Thapa offered to provide the Embassy with details in Nepali for any specific investigation. According to Thapa, he has conveyed to his troops the importance of respecting human rights and has provided human rights

training, through ICRC, the U.S. and others. The RNA's human rights cell has conducted investigations into 17 cases of human rights abuse and, in some cases, the soldiers responsible have been punished. In the Ramechhap incident (reported ref A), those killed by the RNA were among the top Maoist commanders in the East, he said. Thapa believes that the deaths of these leaders significantly set back the Maoist campaign in Eastern Nepal. According to the National Human Rights Commission report on the incident, said Thapa, all 17 dead had their hands tied and were shot at close range. (Note. The NHRC report indicated 19 people were killed while the RNA suggests only 17 died. End Note.) The RNA investigators, however, found only 5 had been tied up and shot while the other 12 were killed in an ambush. Thapa intimated that the local villagers are not willing to speak to the army against the Maoists for fear of reprisal. The insurgents recently killed a health worker of Doromba claiming she was an army spy, he said. Thapa noted that an RNA Major had led the joint patrol, which included army and armed police personnel. An RNA Captain, however, is under investigation for the incident. Since the incident, the army has established a camp in Doromba to allow "life to return to normal."

¶10. (C) Regarding the Doti incident (reported ref B) in which four students were killed when an RNA patrol attacked Maoists at a local school, Thapa suggested that the Maoists used the students as hostages and human shields. With the commander of the security patrol absent that day, the second-in-command did a "fairly good job," he said. Thapa explained that the army had stormed the school building from the roof in an effort to take the teachers and students out of the building. However, the Maoists, pretending to be students, tried to escape and were shot. According to Thapa, it later was discovered that some of those shot were not Maoists, but students. (Note. The results of an investigation by a group of NGOs differ in some respects from the RNA's account. End Note.) The RNA investigation concluded that the security patrol should have used more common sense, but had not committed deliberate human rights violations.

¶11. (C) Thapa admitted that an incident in Khotang, in which one school teacher and two others were killed, "looks bad." According to the RNA's ongoing investigation, a group of locals had identified the three individuals as Maoists. After apprehending the three, the RNA patrol decided to untie them and let them go. It was decided that if the group ran, they were guilty, and if not, they were innocent. After being released, the group ran and were shot by the soldiers. Thapa added that if the investigation shows that this was the case, those responsible will be punished.

¶12. (C) Rocca asked whether the results of these inquiries have been publicized. Thapa replied quickly, "Yes. Definitely." (Note. While its true that the RNA has provided the Embassy with the results of its findings, the RNA has not publicized them within Nepal. End Note.) Thapa emphasized that no army soldiers have been able to go home since the cease-fire's collapse in August. Although Maoists are threatening, and in some cases killing, families of army personnel, he explained, RNA policy prohibits soldiers from targeting Maoist families. "We hold our troops to a higher standard," he said. Thapa unequivocally stated that the army has not participated in any torture or extrajudicial killings. Thapa averred that, generally, the RNA's record is nearly equal to any army working under similar conditions. Without army involvement against the insurgency, Nepal "could have been a failed state," he concluded.

U.S. Military Assistance

¶13. (C) Thapa reiterated his appreciation for U.S. military assistance, claiming it has helped raise the morale of his troops, and looked forward to continued bilateral cooperation. Thapa noted the need for additional helicopters, specifically the Huey II, to enhance army mobility. Rocca explained that providing helicopters would depend largely on Nepal's FMF appropriations in the U.S. budget. "We would like to assist in any way within our budget constraints," she added. Thapa asserted that Nepal will be a success story. The high quality of troops and well-trained officers make it just a matter of time before Nepal returns to peace and democracy, he said.

Elections

¶14. (C) Lastly, Thapa mentioned that Nepal's Election Commission needs to direct the RNA on its appropriate role for elections, which Prime Minister Surya Bahadur Thapa has committed to hold as soon as possible. In the past, the Election Commission has tasked the army with printing, transporting and securing the election ballots, he said.

Thapa believed that municipal elections could be held now, whereas village- and district-level elections would have to be conducted in phases across the country, perhaps in a year or so.

Comment

¶15. (C) Thapa's prognosis for the Maoist insurgency's future is optimistic -- probably too optimistic. While we agree that the Maoists have undermined their credibility by resorting increasingly to terrorist tactics, the insurgents have managed to broaden their area of operations and continue to have significant influence through intimidation and threats (Maoist tactics reported ref C). While the Maoists have been unable or unwilling to launch large scale attacks against the army since the end of the cease-fire, the area of Nepal's territory under Maoist influence -- and in which no effective GON presence can operate -- has expanded.

¶16. (C) While we welcome Thapa's endorsement of human rights principles, we remain eager to see this verbal commitment translated into more standardized action. Thapa's unequivocal statements that the army has neither tortured or killed extrajudicially any innocent Nepalis also gives the impression that the army is not ready to fully examine critically its human rights record. In the past week alone, the press has carried allegations of five extra-judicial killings, including one of a 15-year-old girl, in three different districts. These reports, if true, indicate that the RNA has not yet succeeded in inculcating the high moral standards endorsed by the COAS into the troops in the field. Post recommends developing additional strategic and training programs to help the RNA to continue to improve its record.

End Comment.

MALINOWSKI